

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

HOWARD NOURIELI, *et al.*,

Plaintiffs,

v.

MARCUS LEMONIS, *et al.*,

Defendants.

Civil Action No. 20-cv-8233-JPO

MARCUS LEMONIS, and MARCUS  
LEMONIS, LLC,

Counterclaim-Plaintiffs,

v.

HOWARD NOURIELI, and BOWERY  
KITCHEN SUPPLIES, INC.,

Counterclaim-Defendants.

**STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)**

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel(s) that:

- (1) Plaintiffs Howard Nourieli and Bowery Kitchen Supplies, Inc. (“Plaintiffs”), on the one side, and Counterclaim-Plaintiffs Marcus Lemonis and Marcus Lemonis, Inc., on the other side, hereby stipulate and agree that the above-captioned action, and all causes of action asserted therein, shall be dismissed in their entirety with prejudice, with each party to bear its own fees and costs;
- (2) Plaintiffs withdraw from any further consideration their pending motion for reconsideration of the Court’s August 6, 2021 Order (Dkt. No. 59); and

(3) Plaintiffs and CWI stipulate to dismissal with prejudice of this Action, with each party to bear its own fees and costs.

DATED: November 9, 2021

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: /s/ Gerard P. Fox

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